

MINUTES OF THE CITY PLANNING COMMISSION

J. MARTIN GRIESEL ROOM

April 4, 2003
9:00 AM

Present: Appointed Members: Terry Hankner, Caleb Faux, Jackie McCray; Councilmember Jim Tarbell; Water Works Director David Rager; Community Development and Planning Staff: Peg Moertl, Director; Skip Forwood, Acting Chief Planner

Ms. Hankner called the meeting to order.

MINUTES

The minutes of the March 20, 2003 and March 21, 2003 City Planning Commission (CPC) meetings were presented for consideration.

Motion: Ms. McCray moved approval of the minutes.

Second: Mr. Rager

Vote: All ayes (4-0), motion carries.

Caleb Faux asked the other Commission members if their understanding of the motion made at the 3/28/03 meeting included the cost of street improvements to be borne by the developer. Ms. Hankner stated although Transportation and Engineering mentioned that in the absence of a covenant, the developer is customarily responsible for costs for street improvements, this was not included in the motion. Ms. McCray concurred with Ms. Hankner.

MR. TARBELL ENTERED THE MEETING.

Ms. Moertl announced that the City Manager is undertaking a search for a permanent Chief Planner to head the Planning Division. Skip Forwood has been named as Acting Chief Planner until the position is permanently filled. Steven Kurtz still supervises the Land Use Section and will continue along with his staff to provide the technical support necessary to assist the Commission in making good decisions.

CONSENT ITEMS

REPORT AND RECOMMENDATION FOR THE LEASE OF PROPERTY AT 611 DELHI AVENUE TO DICK SCOTT PLUMBING, INC. IN SEDAMSVILLE.

Dick Scott Plumbing, Inc. owns the property at 619 Delhi Avenue and has been leasing the adjacent city-owned property at 611 Delhi Avenue since 1981 for parking and equipment storage. The lease is for a five-year period with three five-year renewals. The rental rate is the rate determined by Real Estate Services to be the fair rental value of the property. Staff recommends approval.

REPORT AND RECOMMENDATION FOR THE RELEASE OF TWO EASEMENTS LOCATED ON CITY-OWNED PROPERTY AT THE SOUTHEAST CORNER OF CENTRAL AVENUE AND SIXTH STREET IN THE CENTRAL BUSINESS DISTRICT.

When the Cincinnati Convention Center was last expanded in the mid-1980s, the closure of Plum Street between Sixth Street and Fifth Street required the construction of a contra-flow traffic pattern on Central Avenue that required the acquisition of easements from Scripps Howard Broadcasting Company over the WCPO TV property along Central Avenue. With the Fort Washington Way improvements, Central Avenue was converted to a normal two-way traffic pattern and the contra-flow abandoned. In November 2002, the WCPO TV property was purchased to accommodate the expansion of the Cincinnati Convention Center. Staff recommends approval.

REPORT AND RECOMMENDATION FOR THE RELEASE OF COVEANTS THAT EXTINGUISHES CERTAIN COVENANTS THAT ENCUMBER THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF FIFTH AND RACE STREETS IN THE CENTRAL BUSINESS DISTRICT.

The city installed a custom rustic terrazzo sidewalk in the right-of-way abutting the former Fifth and Race Tower at the northwest corner of Fifth and Race Streets. In return, the owner of the property executed a covenant that obligated the owner and its successors in title to maintain and reconstruct the custom sidewalk when needed. Most of the sidewalk is now removed and the remainder will be removed when a new building is constructed. Transportation and Engineering has determined that the covenants may be released. Staff recommends approval.

Motion: Mr. Rager moved approval of the Consent Items.

Second: Mr. Faux

Vote: All ayes (5-0), motion carries.

DISCUSSION

REPORT AND RECOMMENDATION ON THE KENNEDY HEIGHTS COMPREHENSIVE COMMUNITY PLAN.

Felix Bere, Senior City Planner, presented the Kennedy Heights Comprehensive Community Plan stating that the plan is for the entire neighborhood. Mr. Bere stated that the plan was started in the spring of 2002 with a lot of community involvement. The community wanted a hands on approach. There were three charettes held in the neighborhood. Using a land use map Mr. Bere pointed out the community is predominately single family, multi-family and some commercial. Kennedy Heights has a lot of small home-office type of businesses. This is a concept plan. The proposed new community center is on hold since the school board acquired the property.

Van Foster, representing the Kennedy Heights Community Council, stated that the final draft expresses the values, goals and objections of the residences and business owners in the community. The information for this plan was collected through questionnaires, surveys, town meetings and community council meetings. There were seven key issues that were agreed upon that affected the redevelopment of Kennedy Heights for more than a decade that are addressed in the plan: (1) Limited investment – How does the community stimulate new investments that will assist existing residents and business owners and help them to maintain and upgrade their property in addition to attracting new people to the neighborhood? The plan suggests insuring that homeowners are aware of programs that are available in helping to restore and upgrade their property. (2) Crime and its perception – problems with drug trafficking. How does the community keep residents and visitors feeling safe while in the community? The plan recommends working with District 2, strengthening the police/community program and encourages the citizens to enroll in the Citizens Police Academy. (3) Vacant and condemned buildings in the neighborhood. What can be done to make these viable? (4) Community identity. How can the neighborhood increase the neighborhood identity? The plan recommends promoting the corner of Kennedy and Montgomery as a primary gateway by developing community oriented type businesses and create a Kennedy Heights Arts Center in the old Douglas Funeral Home. (5) New community center – How can the community maximize recreational and other needs of the community such as extra curricular activities and events and gathering places? Work on solutions to have a community center. (6) Maintaining open spaces. Kennedy Heights has an abundance of open space which the community wants to maintain and improve in some cases. (7) Housing for seniors – High percentage of residences are 60 years and older. How can the community provide for the seniors and keep them in the neighborhood? The community wants to provide high quality housing options for the elderly population.

Mr. Foster stated that a new position is being created on their community council whose charge will be the implementation of the plan for the rebirth of Kennedy Heights.

Joshua Swain, 6448 McHugh Place, 45213, stated that a community center could serve Silverton, Deer Park, Columbia Township and Kennedy Heights. There is no place in the community to provide guidance or a special service, especially for the children.

Motion: Mr. Faux moved approval of the Kennedy Heights Comprehensive Community Plan.

Second: Ms. McCray

Vote: All ayes (5-0), motion carries.

REPORT AND RECOMMENDATION ON A PROPOSED ZONE CHANGE FROM R-5 MULTI-FAMILY MEDIUM-DENSITY DISTRICT TO B-4 GENERAL BUSINESS DISTRICT AT 2709 WOODBURN AVENUE IN EAST WALNUT HILLS.

Katherine Keough-Jurs, City Planner, presented the zone change for Schulhoff Tool Rental on Woodburn Avenue to enable them to expand their business. Schulhoff Tool Rental would like to purchase a piece of property to expand their existing business. Ms. Keough-Jurs stated that in order to expand; they requested a zone change from R-5 to R-5(T). The expansion is a two-story masonry building. Schulhoff Tool Rental has been a long-term business in the East Walnut Hills Business District and has wanted to expand for years. Schulhoff Tool Rental met with the city's development/redevelopment team to discuss a location, but nothing really worked for them. Staff is concerned that the property Schulhoff wants to purchase is actually three small pieces of three separate parcels. Staff is also concerned that the new zoning code does not have a transitional zone so staff recommends rezoning to be compatible with the existing uses and to match adjacent uses. The new zoning code recommends that the corner at Woodburn down to Myrtle including these three parcels be rezoned to a Community Commercial Mixed (CCM) zone. The Land Use Management Section is working with East Walnut Hills neighborhood regarding zoning along the Woodburn Avenue corridor, but it is fairly likely that this area will remain some kind of a general business district. Staff recommends rezoning these three parcels to B-4. Ms. Keough-Jurs stated that in September 2002, when the staff conference was held, the East Walnut Assembly sent a letter in support of the zone change as requested to the R-5(T). Several residents attending the staff conference in opposition to the zone change were concerned how this would affect their properties, especially the property owners along Burdett. Mr. Whalen was willing to work with the community to make the building more appealing to them. Staff held off on making a recommendation on this because there seemed to be willingness on behalf of the community and Schulhoff to make this property look better and fit into the neighborhood. Since this zone change request is taking three times longer than is typical, Schulhoff Tool Rental is starting to lose money because they have to pay money every month to keep the option on the property. There has been no final conclusion between the neighborhood and Schulhoff Tool Rental, although there has been strives taken to come to a decision; staff recommends rezoning the three parcels to B-4.

Ms. McCray asked if this could be accomplished with something less intrusive than a B-4. Ms. Keough-Jurs responded that staff chose the B-4 because it seems to be the most logical. The parcels in question are currently a vacant parking lot. Ms. McCray stated that placing a B-4 on these parcels seems intrusive to the abutting residential area. Ms. McCray asked for a clarification of the CCM use in the new zoning code.

David Efland, Senior City Planner, stated that the nature of the use is only allowed in a B-4 zone, in a B-3 zone this would be a non-conforming use.

Mr. Faux asked if the only way to have conditions put on zoning was through a transitional zone. Mr. Efland responded that was correct.

Ed Whalen, 2709 Woodburn Avenue, 45206, stated that under the current code it does not have to be a B-4. Mr. Whalen stated that on the other side he has a warehouse and the property is zoned B-3. Mr. Whalen stated he is proposing a R-5(T) zone. Mr. Whalen feels this could be a B-3 zone.

Steven Kurtz, Administrator, stated that unlike the warehouse on the other side of the street, the Schulhoff Tool Rental on the west side of Woodburn is classified as a contractor's yard which requires a B-4 use. Schulhoff is expanding the contractor's yard which is why staff believes a B-4 is necessary.

Mr. Whalen has been on the street for 68 years and has had very good relations with the community and hopes something like this does not hurt that relationship. Mr. Whalen stated he is proposing a building that is 55' x 133' and the lot is 60' x 143'. The building will have no windows. The building is actually a one-story with a basement. Mr. Whalen stated that what is needed is storage for product that is sold which is a big part of the business in the last ten years. The existing building that would butt against the proposed building is 22 feet high. Mr. Whalen stated that the building would be softened as much as possible.

Mr. Tarbell stated that a landscaping screen would be more aesthetically appealing than a blank wall.

Mary Ann Lee, 2530 Moorman Avenue, 45206, President of East Walnut Hills Assembly, stated that when the community council was originally approached, the community council agreed to the transitional zoning. There are two three-families adjoining the lot and a plan for further development in the block over; a ground breaking recently took place. Ms. Lee stated that after seeing the new zoning map, the community council is vigorously opposed to the B-4 zoning. Ms. Lee stated that Mr. Whalen is very open to softening the presentation of this building from the view of the residents on Burdett. Ms. Lee stated the community is afraid that this will be a couch for the change of the rest of the block which would have the most deleterious effect on the flavor of the business community. Ms. Lee stated that everyone agrees that Schulhoff has been an anchor in the business community for a long time and are delighted to have this business.

Carol Pfetzing, 3119 Woodburn Avenue, 45206, property owner on Myrtle Avenue said she had just finished renovating the second and third floors of a building for market housing. There is a developer who is interested in building row house condominiums because residential sells fast in the neighborhood.

Norman Atiba Parhm, 1387 Myrtle Avenue, 45206, has lived in the house next to the parking lot for 27 years. To the back of his property is a two-story wall. Mr. Parhm asked if the new building would be the same height as the existing building. Mr. Whalen responded that the new building would be the same height as the existing building. Mr. Parhm stated if the new building were the same height, the homes located on Burdett would have no view at all. Mr. Parhm opposes the change to B-4 because this area is mostly residential.

Ms. Parhm stated that although the homes appear to be multi units, they are single family.

Ms. Lee stated that a developer is thinking about housing on the remainder of the three parcels that is being proposed to be rezoned.

Susan Hovey, 1382 Burdett, 45206, shared pictures of the area from backyards of the neighboring properties. Ms. Hovey stated that the parking lot has not been used in the ten years she has owned her home. Ms. Hovey stated that her house that is 95 years old and the other houses on Burdett are older than the Schulhoff business. Many of the homes on Burdett have been past down through the family. Ms. Hovey stated that neighbors she talked to were not opposed to the new building if the height is lower than the existing building and the new building is softened. Ms. Hovey stated that the new building would loom above the eight-foot fences in the back yards on Burdett; she feels that a one-story building is more acceptable.

Mr. Kurtz stated that the area is a mixed use. Mr. Kurtz recapped the Commission's options: (1) deny the zone change based on not losing any more residential zoning to commercial; (2) approve the transitional zone, but if the transitional zoning is a preference, Mr. Whalen will have to create a new lot; (3) the new lot would have no street frontage so would have to be consolidated; or (4) rezone the whole property to a transition zone and create guidelines for the different uses on the property.

Ms. McCray moved to disapprove staff's recommendation and rezone the property in its entirety to R-5(T) and directed staff to develop appropriate transition zone guidelines. Mr. Kurtz suggested that if the Commission's preference is to approve the R-5(T), he suggests holding action to allow staff, neighbors and Mr. Whalen develop appropriate guidelines and a site plan.

Motion: Mr. Faux moved to table the item to allow time to develop guidelines for an R-5(T).
Second: Ms. McCray
Vote: All ayes (5-0).

ADJORNMENT

With no further business to consider, the meeting was adjourned.

Margaret M. Moertl, Director
Community Development & Planning

Terry Hankner, Pro Tem Chairman

Date: _____

Date: _____

